

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**DONALD JOSEPH
CALDERWOOD, JR.,
Inmate # 20-0447,
Plaintiff,**

V.

**STATE OF TEXAS,
Defendant.**

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CIVIL ACTION NO. 1:22-00490-JB-N

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 2) made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Criminal Procedure 59(b), and S.D. Ala. GenLR 72(a), and dated December 29, 2022, is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that the state criminal prosecution(s) pending against Donald Joseph Calderwood, Jr. in Harrison County, Texas, at the time he filed his “Notice of Removal” (Doc. 1) be **SUMMARILY REMANDED** under 28 U.S.C. § 1455(b)(4) to the Texas state court(s) from which they were removed.

DONE and ORDERED this 25th day of January, 2023.

/s/ JEFFREY U. BEAVERSTOCK

CHIEF UNITED STATES DISTRICT JUDGE